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February 17, 2012

By Fax (212) 805-6724

Hon. Frank Maas, U.S.M.J.
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: Glazer v. Fireman's Fund Insurance Company, et al., 11-CV-4374 (PGG) (FM)

Dear Judge Maas:

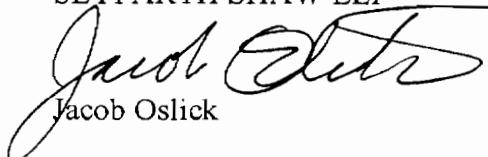
Defendants Fireman's Fund Insurance Company ("FFIC") and Harold Fowlkes write in regard to our request that the Court order Plaintiff Randi Glazer's deposition to proceed first.

On January 26th, the Court directed that fact discovery proceed while the Court decided the LivePerson issue, except for the depositions of Plaintiff and her direct report, Michael Ryan. Defendants subsequently requested, in their February 1 and 2 submissions, that the Court order Plaintiff's deposition to proceed first, with leave for Defendants to recall her after receipt of the LivePerson documents. As discussed in the February 1 and 2 submissions, Defendants made this request in light of: (i) the parties' repeated oral and written agreement to "hold off" on depositions until the LivePerson dispute is resolved; (ii) the parties' originally agreed-to schedule, which called for deposing Plaintiff first; and (ii) Plaintiff's litigation conduct, which raises concerns that she will improperly attempt to tailor her testimony to Mr. Fowlkes' statement at deposition.

Mr. Fowlkes is currently scheduled to be deposed on February 27th. Thus, if the Court does not act before then on Defendants' request to depose Plaintiff first, Defendants' request will become moot. Consequently, we ask that the Court decide this issue at its earliest convenience.

Respectfully submitted,

SEYFARTH SHAW LLP



Jacob Oslick

cc: Marjorie Mesidor, Esq. (by email)
David Lurie, Esq. (by email)

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DATE FILED: 2/21/12

MEMO ENDORSED

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Depositions shall be held
in abeyance until I rule.

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2/21/12